

-PSO-

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

JOHN DOLBY a/k/a MELVIN GRADY,

Plaintiff,

-v-

05-CV-6278L(P)

ORDER

DR. TAN,
D. LA GRAVES,
JAMES BERBARY and
THOMAS EAGEN,

Defendants.

Plaintiff has requested permission to proceed *in forma pauperis* pursuant to 28 U.S.C. § 1915(a). He has supplemented his application and has met the statutory requirements. Accordingly, plaintiff's request to proceed as a poor person is hereby granted. In addition, plaintiff's complaint has been reviewed by the Court with respect to the 28 U.S.C. § 1915(e)(2) criteria. Plaintiff has alleged denial of adequate medical care in violation of the Eighth Amendment and retaliation following his attempts to resolve the issue through grievances. His allegations are sufficient to go forward at this time.

The Clerk of the Court is directed to file plaintiff's papers, and to cause the United States Marshal to serve copies of the Summons, Complaint, and this Order upon the named defendants without plaintiff's payment therefor, unpaid fees to be recoverable if this action terminates by monetary award in plaintiff's favor.

Pursuant to 42 U.S.C. § 1997e(g)(2), the defendants are directed to answer the complaint.

SO ORDERED.

S/ Michael A. Telesca

MICHAEL A. TELESCA
United States District Judge

Dated: March 29, 2006
Rochester, New York